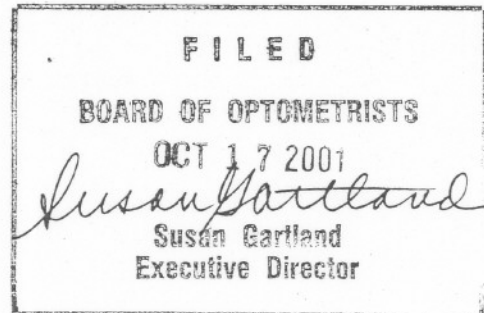


JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Optometrists



By: Carmen A. Rodriguez
Deputy Attorney General
Tel: 973-648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

GILBERT RUBIN, O.D. :
Licensed No. OA 1233 :

TO PRACTICE OPTOMETRY :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Optometrists (hereinafter "the Board") upon receipt of an anonymous phone call from one of Dr. Rubin's patients. Specifically, it has been alleged that Dr. Rubin had vision problems and that he relied upon his staff to read examination instruments. Based on this information, the Board ordered an investigation of this matter by the Enforcement Bureau of the Division of Consumer Affairs which conducted a covert office visit and served a subpoena for patient records on the respondent. On October 17, 2001 the respondent appeared, without counsel, at an investigative inquiry into the matter held by the Board.

At the inquiry Dr. Rubin volunteered to surrender his license to practice optometry and asked the Board for time to wind down his practice. The Board accepted the surrender of the

license at the inquiry as the testimony of respondent confirmed that his vision has deteriorated. Respondent testified that he has macular degeneration and has finger vision at a few feet. Upon further questioning Respondent informed the board that he was wet macular degeneration as well as central scotoma.

These facts establish basis for action pursuant to N.J.S.A. 45:1-21(l). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 17th DAY OF October 2001,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice optometry shall be and hereby is voluntarily surrendered effective immediately. Respondent shall permanently retire from the practice of optometry .
2. Respondent may continue to dispense any eyeglass orders that he had previously submitted for patients within the next thirty (30) days but shall immediately cease and desist from dispensing contact lenses.
3. Respondent shall close or divest his interest in the practice within (30) days of the entry of this order. He must submit proof of the closing or divestiture and provide the Board with the name of the new optometrist and the tax identification number for the practice. He must inform all patients in writing that he has retired from the practice and he must establish a procedure by which patients may obtain their records or transfer records to another licensee who will assume the responsibilities. A notice of the established procedure for the retrieval of records must be submitted to the Board.
4. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$2,595.93. Payment for the costs shall be submitted by

certified check or money order made payable to the State of New Jersey and submitted to the Board no later than 30 days from the entry of this Consent Order. Payment shall be sent to Susan Gartland, Executive Director, Board of Optometrists, 124 Halsey Street, Newark, NJ 07101.

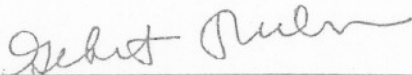
5. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By: 

Leonard Strulowitz, O.D.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Gilbert Rubin, O.D.